



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 20, 1991

Mr. Michael L. Spain  
Attorney at Law  
Fulbright & Jaworski  
300 Convent Street, Suite 2200  
San Antonio, Texas 78205

OR91-654

Dear Mr. Spain:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14471.

You have received a request for information relating to an incident presently under investigation by the City of Schertz Police Department. Specifically, the requestor seeks "all documents, writings, letters, memoranda, or other written, printed, typed, copied, or developed materials containing information related to the incident." You have forward to us for review the police department investigation report of the matter. You claim that this information is excepted from required public disclosure by section 3(a)(8) of the Open Records Act.

Section 3(a)(8) is applicable to:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

Where an incident involving allegedly criminal conduct is still under active investigation, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4. However, first page offense report information may not be withheld under section 3(a)(8). See *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

You advise us that the city's investigation and internal reviews regarding this matter have not yet been closed. Accordingly, except for first page offense report information, the police department investigation report may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-654.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GK/lcd

Ref.: ID# 14471

cc: Mr. Roy D. Quillian, III  
Attorney at Law  
16414 San Pedro, Suite 560  
San Antonio, Texas 78232